

ment and sequestration, fail to comply with such order, his letters of administration may be revoked, and the court may direct his bond to be put in suit; and the assets ordered to be comprised in such additional inventory or list of debts shall be decreed and taken to be within the condition of said bond.

Necessary allegations and proof to make out a case against an administrator under this section. Collusion. Section 236 held to have no application. *Hignutt v. Cranor*, 62 Md. 219.

The only instance in which the orphans' court can determine questions of title to personal property is as pointed out in this section. How other questions of title to personal property may be determined. *Fowler v. Brady*, 110 Md. 208; *Daugherty v. Daugherty*, 82 Md. 231; *Gibson v. Cook*, 62 Md. 260.

Under this section the orphans' court has jurisdiction where a petition alleges that one of two executors has omitted to return certain property in the inventory, and to return in the list of debts certain money which came into the executor's hands before the testator's death. The fact that the executor claims title to the property is immaterial. This section distinguished from section 243. *Linthicum v. Polk*, 93 Md. 95.

A petition setting out that one of the administrators has received money which he has not accounted for, but alleging no concealment, is not within the purview of this section, and hence the right of appeal is not regulated by section 245. *Cummings v. Robinson*, 95 Md. 87.

This section is applicable as long as there are assets belonging to an estate which have not been brought in or accounted for. *Wilson v. McCarty*, 55 Md. 280.

This section referred to in deciding that an administrator would not be removed for retaining money with the consent of the party entitled to it and in the belief that he had a right so to do, without the court's first determining that such retention was improper and directing an account. *Jones v. Harbaugh*, 93 Md. 284.

This section referred to in construing section 243—see notes thereto. *Macgill v. Hyatt*, 80 Md. 257.

See notes to sections 229 and 245.

1904, art. 93, sec. 244. 1888, art. 93, sec. 240. 1860, art. 93, sec. 240.
1831, ch. 315, sec. 12.

245. If, upon the answer to any petition or bill filed under the provisions of the two preceding sections, either party shall require it, the court shall cause an issue or issues to be made up and sent to the circuit court for the county, or the superior court of Baltimore city, the court of common pleas, or the Baltimore city court, as the case may be, to be there tried and disposed of as other issues from the orphans' court; and either party to such bill or petition may appeal to the circuit court for the county, or the superior court of Baltimore city.

The appeal provided for by this section applies to every proceeding instituted under either of the two preceding sections, and is exclusive of all other appeals. *Hignutt v. Cranor*, 62 Md. 219; *Linthicum v. Polk*, 93 Md. 91; *Stonesifer v. Shriver*, 100 Md. 27; *Abbott v. Golibart*, 39 Md. 555; *Worthington v. Herron*, 39 Md. 146 (distinguishing *Cannon v. Crook*, 32 Md. 482).

While from the action of the orphans' court on a petition filed under section 244, an appeal lies to the circuit court or the superior court, etc., and not to the court of appeals, if the petition also alleges matters of which the orphans' court has no jurisdiction under sections 243 or 244, an appeal lies to the court of appeals. *Stonesifer v. Shriver*, 100 Md. 27; *Linthicum v. Polk*, 93 Md. 91; *Gibson v. Cook*, 62 Md. 256. And see *Cannon v. Crook*, 32 Md. 432; *Worthington v. Herron*, 39 Md. 148.

• See notes to sections 243, 244 and 255.

Cf. sections 256 and 314; also, art. 5, sections 5 and 60, *et seq.*